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OFFICE OF PETITIONS

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| In re Application of | : | |
| Carol A. Tosaya, et al. | : | |
| Application No. 10/826,232 | : | ON PETITION |
| Filed: April 16, 2004 | : | |
| Attorney Docket No.: D-03020A | : | |

This is a decision in response to the renewed petition, filed May 21, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

The application was held abandoned for a failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed July 24, 2009, which set a shortened statutory period for reply of three (3) months. Therefore, a reply was due on or before October 24, 2009; however, the maximum extendable period for reply ended on January 24, 2010.

Petitioner requests that the abandonment be withdrawn since a response was timely filed on November 23, 2009. Petitioner explains that an incorrect application number was inadvertently entered on one of the documents. Consequently, the entire response was not associated with the correct application. Petitioner has provided a postcard receipt dated November 23, 2009 and a copy of the response, including an appropriate 1-month petition for extension of time.

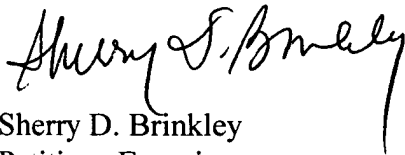
It is noted that the response confirms an incorrect application number was cited on the RCE request. Nevertheless, a response that has an incorrect application number is handled in accordance with MPEP 508.03. If a paper having an incorrect application number contains sufficient information to identify the correct application and it was timely filed, the holding of abandonment will be withdrawn. In reviewing the papers submitted, it is concluded that the information contained thereon was sufficient to associate all of the papers with the correct application.

The response filed November 23, 2009, will be removed from the incorrect Image File Wrapper (IFW) and uploaded to the correct application, where intended.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to Technology Center AU 3767 for appropriate action in the normal course of business on the reply received November 23, 2009.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.

A handwritten signature in black ink, appearing to read "Sherry D. Brinkley". The signature is fluid and cursive, with a long vertical stroke extending downwards from the end.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions